

Application No.: 10/828,713
Amendment Dated: March 29, 2005
Reply to Office Action of: January 10, 2005

MTS-3517US

Remarks/Arguments:

Amendments

Claims 1, 2, 7, and 19 have been cancelled. Claim 3 has been rewritten in independent form, incorporating the limitations of claim 1 on which it depended. Claims 4, 6, 8, and 9 have been amended to change dependency. Claims 10, 11, and 20 have each been rewritten in independent form, incorporating the limitations of claim 7 on which each claim depended. The phrase "using the thermal storage method of claim 1" has been omitted from the preamble of claim 10, claim 11, and claim 20 because this phrase does not appear to be a limitation, and claim 1 has been canceled. To more particularly point out and distinctly claim the subject matter that applicants regard as the invention "of" has been amended to "for" and other grammatical amendments have been made, where appropriate. It is submitted that no new matter is introduced by these amendments.

Allowable Subject Matter

Claims 3, 10-18, and 20 were indicated allowable, but were objected to as being dependent on a rejected base claim. Claims 3, 10, 11, and 20 have each been rewritten in independent form incorporating the limitations of the independent claim on which it directly depended. It is submitted that these claims are in condition for immediate allowance.

Claims 12-18 are dependent, directly or indirectly, on claim on claim 11. It is submitted that claims 12-18 are each allowable as claims dependent on an allowable claim.

Rejection under 35 USC 102(b)

Claims 1-2 and 4-9 were rejected under 35 USC 102(b) as anticipated by Ervin, Jr., U.S. Patent 4,054,126. The Detailed Action does not indicate the status of claim 19, but the Office Action Summary indicates that claim 19 was also rejected. Applicants assume that claim 19 was also rejected as anticipated by Ervin, Jr., U.S.

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Patent 4,054,126. The Office is respectfully requested to confirm this in the next communication.

Rejected claims 1, 2, 7, and 19 have been canceled. Claims 4 and 6 have been amended to depend on claim 3. Claim 5 depends on claim 4. Claims 8 and 9 have each been amended to depend on claim 10, claim 11, or claim 20. It is submitted that claim 4-6, 8, and 9 are each allowable as claims dependent on allowable claims.

Conclusion

It is respectfully submitted that the claims are in condition for immediate allowance and a notice to this effect is earnestly solicited. The Examiner is invited to phone applicants' attorney if it is believed that a telephonic or personal interview would expedite prosecution of the application.

Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 29, 2005.

Donna M. Wellings

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